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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,925	09/10/2003	Basil Karanikos		3129
7590		08/10/2007	EXAMINER	
Wolf Greenfield			DRODGE, JOSEPH W	
600 Atlantic Avenue			ART UNIT	
Boston, MA 02110			PAPER NUMBER	
			1723	
			MAIL DATE	
			DELIVERY MODE	
			08/10/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,925

Applicant(s)

KARANIKOS ET AL.

Examiner

Joseph W. Drodge

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the Amendment filed on July 13, 2006.

The Affidavit under 37 CFR 1.132 filed July 9, 2007 is sufficient to overcome the rejection of claims 1-44 based upon Tanner in view of Frise.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 1-4,7,12-14,17,22-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvan et al patent 5,325,765 (Sylvan) in view of newly cited Spiteri PGPUBS Document US2002/0185010.

Regarding independent claims 1, 12 and 44, Sylvan discloses a coffee filter including a filter cartridge comprising container with bottom and side walls in portion 64 extending upwards to a closing cover 62 having top opening 72 (column 4, lines 16-27). The cartridge houses filter element 16 with bottom 56 and sloping side walls 50 and 52 (column 3, lines 54-60), the filter element being ***joined directly at a peripheral junction 24 with the adjacent interior wall surface of the cartridge housing (see column 3, lines 48-62 and figure 4)***. The filter element is of synthetic paper fibers such as of polypropylene. The interior of the filter cartridge is thus divided into a first chamber housing beverage 22 and second chamber 42 receiving outflow from the filter (column 3, line 66-column 4, line 3).

The filter of Sylvan is characterized as being intended or designed for disposal after a single use, and being totally self-supporting and resistant to sagging and collapse against the cartridge container walls when wetted, rigid, and particularly designed for preparing coffee beverages (column 3, lines 2-4 and 10-15).

The claims all differ in requiring the filter element to be fluted, hence pleated or corrugated. However, Spiteri teaches a disposable paper, fibrous, coffee filter element that is also disposable, free-standing, rigid and self-supporting (paragraphs 1 and 5-7), and has side walls which are fluted or pleated (see figures and paragraphs 9 and 11). The Spiteri filter, being fan-shaped, is also similarly shaped to that of Sylvan.

It would have been obvious to one of ordinary skill in the art to have modified the coffee filter device of Sylvan by utilizing a pleated or fluted filter, as taught by Spiteri, in

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order to further augment the self-supporting aspect of the filter. It would have also been expedient to manufacture the filter element of Sylvan with the pleats/flutes of Spiteri to facilitate handling and packaging, cost-effective production, and provide stiffness so as to ensure sufficient rigidity to avoid collapse or sagging when wetted, as explained at paragraphs 6 and particularly 7 of Sylvan.

Regarding various dependent claims, Sylvan also discloses features of the filter side wall and bottom walls, Sylvan also discloses features of container and side wall being parallel to container side and bottom wall respectively, height of filter side wall being between 50 and 100% of height of filter cartridge, cartridge and cover having impermeable walls and being frustoconical, upper rim 18 of the cartridge and top and bottom piercing means (70 and 74); all generally clearly illustrated in the figures.

Regarding claims 3,4,32 and 33, Spiteri teaches the filter side wall having pleats or flutes 32 functioning as filtrate exit channels (figures); flutes are considered a form of pleats or corrugations.

2. Claims 3,5,6,9-11,15-16,19-21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvan et al patent 5,325,765 in view of Spiteri, as applied to claims 1 and 12 and further in view of Daswick, U.S. 3,971,305.

Regarding Claims 5,6,15 and 16, Daswick discloses or suggests that the filter extends downward and away from the container at an angle of less than about 1 degree (Col. 4, Lines 1-4). It would have been obvious to one of ordinary skill in the art to modify Lesser in view of Spiteri with the element of Daswick in order to provide portions spaced outwardly from the filter to allow flow freely outside the filter (Col. 4, Lines 1-5).

Regarding Claims 9-11 and 19-21, Lesser in view of Spiteri does not disclose lower permeability and increased thickness in the lower region of the filter element. Daswick teaches a beverage filter cartridge wherein reduced permeability is achieved by increasing the thickness by lining the lower region of the filter element with an insert (Fig. 2, #28) of like filter material. It would have been obvious to one of ordinary skill in the art to modify Lesser in view of Spiteri with the element of Daswick in order to retain the beverage media within the filter (Col. 3, Lines 11-15).

3. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvan et al patent 5,325,765 in view of newly cited WO patent 91/14389 to Spiteri, as applied to claims 1 and 12), and further in view of Michielsen, U.S. Patent No. 3,389,650.

Regarding Claims 8 and 18, Lesser in view of Tanner does not disclose channels increasing in width. Michielsen teaches a beverage filter cartridge comprising exit channels that increase in width to a maximum adjacent the filter bottom. (Fig. 1, #2). It would have been obvious to one of ordinary skill in the art to modify Lesser in view of Spiteri with the element of Michielsen because it is a corrugated structure common in the filter art.

Response to Arguments

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at telephone number 571-272-1140. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Roy Sample, can be reached at 571-272-1376. The fax phone number for the examining group where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

August 6, 2007


JOSEPH DRODGE
PRIMARY EXAMINER